

**COMBINED DECLARATION AND POWER OF ATTORNEY  
NATIONAL STAGE OF PCT APPLICATION**

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for a national stage of a PCT application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

**AORTIC CATHETER WITH FLOW DIVIDER AND METHODS  
FOR PREVENTING CEREBRAL EMBOLIZATION**

**SPECIFICATION IDENTIFICATION**

The specification was described and claimed in PCT International application no. PCT/US00/01485, filed on January 22, 2000.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 Code of Federal Regulations, Section 1.56.

**PRIORITY CLAIM (35 U.S.C. §§ 119(a)-(d), (f), 172, and 365(a) and (b))**

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Such applications have been filed as follows.

**PRIOR PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §§ 119(a)-(d)**

INDICATE IF PCT	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119
PCT	PCT/US00/01485	January 22, 2000	no

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Gunther Hanke	32,989
Vern Schooley	24,649
Francis A. Utecht	16,605
Gary M. Anderson	30,729
Michael S. Doll	44,092
Craig McLaughlin	44,925
Michael J. Moffat	39,304
James J. Leary	35,237

I hereby appoint the practitioner(s) associated with the Customer Number 27629 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:  
Gunther Hanke  
Fulwider Patton Lee & Utecht, LLP  
200 Oceangate, Suite 1550  
Long Beach, CA 90802

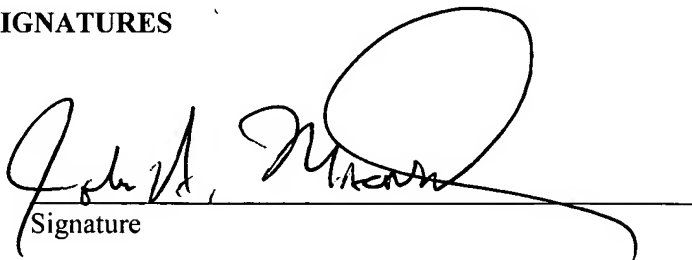
DIRECT TELEPHONE CALLS TO:  
Gunther Hanke  
562-432-0453

**DECLARATION**

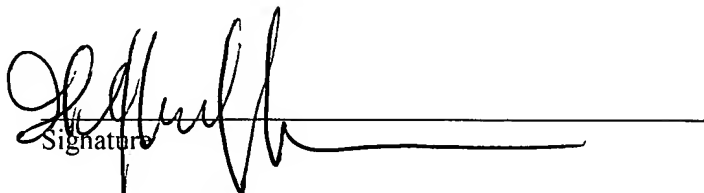
I hereby declare that all statements made herein of my own knowledge are true and statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURES**


Date: 10/19/02  
John A. Macoviak  
Residence: La Jolla, CA  
Post Office Address: 5412 Thunderbird Lane, La Jolla, CA 92037  
Citizenship: U.S.A.

  
Signature

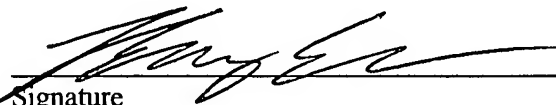
Date: 10/19/02  
Wilfred J. Samson  
Residence: Saratoga, CA  
Post Office Address: 49691 Farwell Avenue, Saratoga, CA 95070  
Citizenship: U.S.A.

  
Signature

Date: 10/15/02  
Michael Lee  
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Citizenship: U.S.A.

  
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Signature

Date: 10/17/02  
Brady Esch  
Residence: San Jose, CA  
Post Office Address: 3349 Ensalmo Avenue, San Jose, CA 92037  
Citizenship: U.S.A.

  
\_\_\_\_\_  
Signature

For: U.S. Rights and Foreign Rights to PCT International  
Application and all Counterpart National Applications  
By: Inventors

**ASSIGNMENT OF INVENTION**

In consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

**ASSIGNORS:**

John A. Macoviak  
5412 Thunderbird Lane  
La Jolla, CA 92037  
Citizenship: U.S.A.

Wilfred J. Samson  
49691 Farwell Avenue  
Saratoga, CA 95070  
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Michael Lee  
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Santa Rosa, CA 95404  
Citizenship: U.S.A.

Brady Esch  
3349 Ensalm Avenue  
San Jose , CA 92037  
Citizenship: U.S.A.

hereby sell, assign and transfer to

**ASSIGNEE:**

CARDEON CORPORATION  
10161 Bubb Road  
Cupertino, CA 95014  
State or Country of Formation: U.S.A.

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

**AORTIC CATHETER WITH FLOW DIVIDER AND METHODS  
FOR PREVENTING CEREBRAL EMBOLIZATION**

and which, per 37 C.F.R. Section 3.21, is identified as PCT International application no. PCT/US00/01485, filed on January 22, 2000, and any legal equivalent thereof in a foreign country,

including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof, including the following counterpart National Stage Applications:

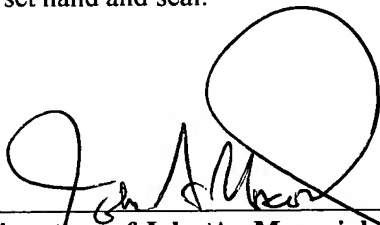
United States Patent Application, Serial No. 10/031,826  
Australian Patent Application, Serial No. 33477/00  
European Patent Application, Serial No. 911616.2-1257  
Canadian Patent Application, Serial No. 2358995

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, We have hereunto set hand and seal:

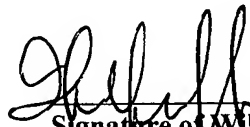
Date: 10/19/02

  
\_\_\_\_\_  
Signature of John A. Macoviak

Witness:      Signature  
                    Print Name

Suzanne K. Macoviak  
\_\_\_\_\_  
Suzanne K. Macoviak

Date: 10/19/02

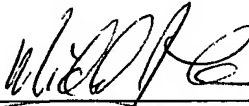
  
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Signature of Wilfred J. Samson

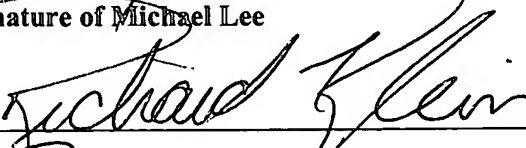
Witness:      Signature  
                    Print Name

Suzanne K. Macoviak  
\_\_\_\_\_  
Suzanne K. Macoviak

Date: 10/15/02

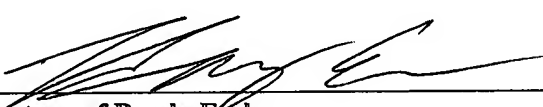
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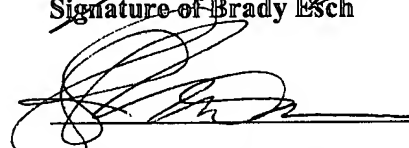
  
\_\_\_\_\_  
Signature of Michael Lee

  
\_\_\_\_\_  
RICHARD KLEIN

Date: 10/17/02

Witness:      Signature  
                    Print Name

  
\_\_\_\_\_  
Signature of Brady Esch

  
\_\_\_\_\_  
JANINE ROBINSON